

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ANDRE THOMAS SAWYERS,)
)
Petitioner,)
)
v.) No. 3:05-0428
) (Crim. No. 3:01cr0170
) Judge Campbell
UNITED STATES OF AMERICA,)
)
Respondent.)

O R D E R

The movant, Andre Thomas Sawyers, proceeding *pro se*, is a prisoner in the Federal Correctional Institution in Manchester, Kentucky. He brings this action to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. (Docket Entry No. 1)

As provided in the Memorandum entered contemporaneously herewith, the movant's motion to amend his petition (Docket Entry No. 9) is DENIED as futile. As also provided in the accompanying Memorandum, the motion and record of prior proceedings clearly show that the movant is not entitled to relief. Because the claims constituting the original motion are without merit, the movant's motion to vacate, set aside, or correct his sentence (Docket entry No. 1) is DENIED and this action DISMISSED. Rule 8(a), Rules – Section 2255 Proceedings.

Should the movant file a timely notice of appeal from this Order, such notice shall be docketed as both a notice of appeal and an application for a certificate of appealability, 28 U.S.C. § 2253(c); Rule 22(b), Fed. R. App. P.; *see Slack v. McDaniel*, 529 U.S. 473, 483 (2000), which will NOT issue because the movant has failed to make a substantial showing of a violation of a constitutional right, *see Castro v. United States of America*, 310 F.3d 900, 901 (6th Cir. 2002).

Entry of this Order shall constitute the judgment in this action.

It is so ORDERED.

Todd Campbell

Todd Campbell
United States District Judge